

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of POLLY HARRINGTON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SAMANTHA HARRINGTON,

Respondent-Appellant,

and

BENJAMIN HARRINGTON,

Respondent.

UNPUBLISHED

September 29, 2005

No. 261705

Branch Circuit Court

Family Division

LC No. 03-002680-NA

Before: Bandstra, P.J., and Neff and Donofrio, JJ.

MEMORANDUM.

Respondent Samantha Harrington appeals as of right from the trial court order terminating her parental rights under MCL 712A.19b(3)(c)(i), (c)(ii), and (g). We affirm.

Respondent does not challenge the trial court's determination that statutory grounds for termination of her parental rights were established by clear and convincing evidence. We find, based on our review of the record, that the trial court did not clearly err in finding that at least one of the statutory grounds was established by clear and convincing evidence. MCR 3.977(J).

Respondent's appellate argument focuses on the trial court's best interests determination. Termination of parental rights is mandatory if the trial court finds that the petitioner established a statutory ground for termination, unless the court finds that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 344; 612 NW2d 407 (2000). This Court reviews decisions terminating parental rights for clear error. MCR 3.977(J). Clear error has been defined as a decision that strikes this Court as more than just maybe or probably wrong. *Trejo, supra* at 356. Additionally, the trial court's findings of fact may not be set aside unless they are clearly erroneous, and this Court shall give regard to the trial court's special opportunity to judge the credibility of witnesses who appeared before it. MCR 2.613(C).

The trial court noted that the best interests determination was a difficult one in this case because respondent enjoyed a strong bond with her daughter. It found that respondent's lack of maturity, failure to utilize help that was offered, failure to keep third parties out of her home as directed, and her demonstrated inability to provide for her daughter's needs were circumstances that led to the court's finding that returning the minor child to respondent was not in the child's best interests. While this case presents a difficult best interests determination, this Court cannot say that the trial court clearly erred in its determination.

We affirm.

/s/ Richard A. Bandstra

/s/ Janet T. Neff

/s/ Pat M. Donofrio